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राजपत्र, हिमाचल प्रदेश
(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 2 जनवरी, 1984/12 पीष, 1905

हिमाचल प्रदेश सरकार

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 14 दिसम्बर, 1983

संख्या लो० नि० (ख०)-25-27/81.--वायु (प्रदूषण तथा नियन्त्रण) अधिनियम, 1981 (1981 का चौदहवां अधिनियम) की धारा 54 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, जैसा कि हिमाचल प्रदेश सिवाये किन्नौर, लाहौल एवं स्पिति और चम्बा जिला के भरमौर खण्ड में लागू है हिमाचल प्रदेश के राज्यपाल, राज्य बोर्ड के परामर्श से हिमाचल प्रदेश वायु (प्रदूषण तथा नियन्त्रण) नियम, 1983 जैसा कि परिशिष्ट "ए" पर है को संहर्ष बनाते हैं।

आदेशानुसार,
हस्ताक्षरित/-
आमृत एवं सचिव।

ANNEXURE "A"

THE HIMACHAL PRADESH AIR (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983

CHAPTER 1

PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Himachal Pradesh Air (Prevention and Control of Pollution) Rules, 1983.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—In these rules, unless the context otherwise requires:—

- (a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981;
- (b) "Appellant" means any person aggrieved by and appealing against an order made by the State Board under the Act and Rules framed thereunder;
- (c) "Appellate Authority" means the Appellate Authority constituted by the Government of Himachal Pradesh under sub-section (1) of section 31 of the Act;
- (d) "Board" means the State Board for the Prevention and Control of Water Pollution, constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974;
- (e) "Chairman" means the Chairman of the State Board;
- (f) "State Board" means the State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974;
- (g) "Consultants" means and includes any person whose services, technical advice or otherwise, may be obtained by the Chairman to conduct the affairs of the Board;
- (h) "Form" means a form set out in Schedule-I;
- (i) "Furnace" means any structure or installation where any form or type of fuel is burnt or otherwise a high temperature is maintained;
- (j) "Member Secretary" means the Member Secretary of the Himachal Pradesh State Board;
- (k) "Premises" means any building, structure or property used for industrial or trade purposes where pollution occurs;
- (l) "State Air Laboratory" means a laboratory established or specified as such under sub-section (1) of section 28;
- (m) "Schedule" means a Schedule appended to these rules;
- (n) "Section" means a section of the Act;
- (o) "State Board Laboratory" means a Laboratory established or recognised as such under sub-section (2) of section 17;
- (p) "Year" means the financial year commencing on the 1st day of April; and
- (q) The words and expressions used but not defined in these rules have the same meaning assigned to them in the Act.

CHAPTER 2

TERMS AND CONDITIONS OF SERVICE OF THE CHAIRMAN AND OTHER MEMBERS OF THE STATE BOARD UNDER SUB-SECTION (7) OF SECTION 7

3. **Salaries, allowances and other conditions of service of Chairman.**—(1) The Chairman of the State Board shall be nominated by the Himachal Pradesh Government. The terms and conditions of service of the Chairman shall be such as may be specified by the Himachal Pradesh

Government from time to time and in the absence of being so specified such terms and conditions shall be as far as may be, the same as are applicable to a Grade-I Officer of corresponding status of the Himachal Pradesh Government.

(2) Notwithstanding anything contained in sub-rule (1) and where a Government servant appointed as Chairman, the terms and conditions of his service shall be such as may be specified by the Himachal Pradesh Government from time to time.

(3) **Terms and conditions of service of the Members of the State Board.**—(1) Non-official members of the Himachal Pradesh State Board shall be paid the Travelling Allowance and Daily Allowance and Conveyance Allowance as under:—

(2) *Travelling Allowance:*

(i) *Journey by Rail:*

(a) *Members of Parliament and Vidhan Sabha:*

The non-official members who are members of Parliament and Vidhan Sabha shall be entitled to Travelling Allowance/Daily Allowance in respect of the journeys performed in connection with the work of the Board on the same scale as is admissible to the members of Himachal Pradesh Vidhan Sabha under the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971.

(b) *Member other than members of Parliament/Vidhan Sabha:*

They will be treated at par with Government servants of the first grade, and will be entitled to actual rail fare of the class of accommodation actually used but not exceeding the fare in which the Government servants of the first grade are normally entitled i.e., accommodation of the highest class by whatever name it may be called provided on the railway by which the journey is performed.

(ii) *Journey by road.*— They will be entitled to actual fare or travelling by taking a single seat in a public bus, and if the journey is performed by motor-cycle/scooter, mileage allowance at 0.53 and 0.40 paisa per km. in hilly and plain areas respectively and if the journey is performed by engaging full taxi/own car, the members will be entitled to mileage allowance at Rs. 1.65 and Rs. 1.30 paisa per km. for hilly and plain areas respectively as amended from time to time, by the Government.

(iii) In addition to the actual fare or mileage as per item (i) and (ii) above, a member shall draw daily allowance for the entire absence from his permanent place of residence starting with arrival at the place at the same rate and subject to the same terms and conditions as apply to grade-I officers of the State Government.

(3) *Daily Allowance.*— (i) Non-official members be entitled to draw daily allowance for each day of the meeting at the highest rate admissible to a Government servant of the first grade for the respective locality.

(ii) In addition to daily allowance for the day(s) of the meeting a member shall also be entitled to daily allowance for halt on tour at out-station in connection with the affairs of the State Board as under:—

(a) if the absence from headquarter does not exceed 6 hours	..	Nil
(b) if the absence from headquarter exceeds 6 hours but does not exceed 12 hours	..	70 %
(c) if the absence from headquarter exceeds 12 hours	..	Full.

(4) Conveyance Allowance:

A member resident at a place where the meeting of the State Board is held will not be entitled to travelling and daily allowances on the scales indicated above but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 10.00 per day. Before the claim is actually paid the controlling officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the amount claimed.

If such a member uses his own car, he will be granted mileage allowance at the rates admissible to officials of the first grade subject to a maximum of Rs. 10.00 per day.

The travelling and daily allowances will be admissible to a member on production of a certificate by him to the effect that he has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

The members will be eligible for travelling allowance for the journeys actually performed in connection with meetings of the State Board from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the State Board or returns to the place other than the place of his permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting whichever is less.

(1) The members will not be entitled to daily allowance in connection with their assignment, when the Vidhan Sabha or the Vidhan Sabha Committee on which the members are serving is in session as they will be drawing their daily allowance under the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 from Vidhan Sabha. However, if they certify that they were prevented from attending the session of the House or the Vidhan Sabha Committee and did not draw any daily allowance from the Vidhan Sabha, they would be entitled to daily allowance at the rate as prescribed.

(2) The provision of rule 4.17 and 6.1 of the Himachal Pradesh Treasury Rules will apply *mutatis mutandis* in the case of over-payment made on account of travelling allowance to non-official members.

(3) The member will also not draw travelling allowance and daily allowance including conveyance allowance, which will disqualify them from the Vidhan Sabha.

CHAPTER 3**PROCEDURE FOR TRANSACTION OF BUSINESS OF THE BOARD AND ITS COMMITTEES**

5. Notice of Meetings under sub-section (2) of section 11 (1).—Meeting of the State Board shall be held on such dates as may be fixed by the Chairman.

(2) The Chairman shall upon the written request of not less than five members of the Board or upon a direction of the State Government call a special meeting of the Board.

(3) Fifteen clear days' notice of an ordinary meeting and three days notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat shall be given by the Member Secretary/Chairman to the members or any other officers of the Board.

(4) Notice of a meeting may be given to the members by delivering the same by messenger or sending it by a registered post to his last known place of residence or business or in such other manner as the Chairman may, in the circumstances of the case think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days notice to the Member Secretary unless the Chairman, in his discretion, permits him to do so.

(6) The State Board may adjourn from day to day or any particular day, and no fresh notice shall be required for any adjourned meeting.

(7) No proceedings shall be invalidated merely on the ground that the provision in this rule relating to the notice is not strictly complied with.

6. Presiding Officer.—Every meeting shall be presided over by the Chairman and in his absence by a Chairman for the meeting to be elected by the members present from amongst themselves.

7. All questions to be decided by majority.—(1) All questions at a meeting shall be decided by a majority of votes of members present, and voting shall be by raising of hands in favour of the proposal.

(2) In case of an equality of votes, the presiding officer shall have casting vote.

8. Quorum.—(1) Five members shall form the quorum for any meeting.

(2) If at any time fixed for any meeting or during the course of any meeting a quorum is not present, the Presiding Officer shall adjourn the meeting and if a quorum is not present on the expiration of fifteen minutes from such adjournment the Presiding Officer shall adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) The matter which had not been on the agenda of the original meeting, shall not be discussed at such adjourned meeting.

(5) No fresh notice shall be required for adjourned meeting.

9. Minutes.—(1) Record shall be kept of the names of members who attend the meeting and of the proceedings at the meeting, in a book to be maintained for the purpose by the Member Secretary.

(2) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the Presiding Officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Board during office hours.

10. Maintaining order at Meeting.—The Presiding Officer shall preserve order at a meeting.

11. Business to be transacted at meeting.—Except with the permission of the Presiding Officer no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 3, shall be transacted at any meeting.

12. Order of Business.—(1) At any meeting business shall be transacted in the order in which it is entered in the agenda.

(2) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting the Presiding Officer or a member may suggest a change in the order of business as entered in the agenda and if the members agree, such a change shall take place.

13. Procedure for transaction of business of Committees constituted by the State Board under sub-section (2) of section 11.—(1) The time and place of the meeting of the Committees constituted by the State Board under sub-section (1) of section 11 shall be as specified by the Chairman of the Committee.

(2) Subject to sub-rule (1) the rules and procedure for transaction of the business of the meeting of any of the committees Constituted under sub-section (1) of section 11 shall be specified by the Chairman.

CHAPTER 4

FEE AND ALLOWANCE TO BE PAID TO NON-MEMBERS

14. *Fee and Allowances to be paid to such members of the Committee of the State Board who are not members of the Board under sub-section (1) of section 11.*—(1) A members of the Committee of the State Board who are not members of the Board under sub-section (1) of section 11. (1) A member of the Committee constituted under sub-section (1) of section 11 who is not a member of the Board shall be entitled to get travelling allowance and daily allowance at the rates as admissible for the member of the State Board, for each day of actual meeting of the State Board in which he is so associated.

(2) Notwithstanding anything in sub-rule (1) if such person is a Government servant or employee in a Government undertaking, he shall be entitled to travelling allowance and daily allowance only at the rates provided under the relevant rules applicable to him.

CHAPTER 5

TEMPORARY ASSOCIATION OF PERSONS WITH THE STATE BOARD

15. *Manner and purposes of association of persons with the State Board under sub-section (1) of section 12.*—(1) The State Board or the Chairman may invite any person whose assistance or advice is considered useful to be obtained in performing any of its functions, to participate in the deliberations of any of its meetings.

16. *Fees and allowances to be paid for such temporary association of persons under sub-section (3) of section 12.*—(1) If the persons associated with the Board under sub-section 15 happens be a non-official he shall be entitled to get travelling allowance and daily allowance at the rates admissible for the member of the State Board for each day of actual meeting of the State Board in which he is so associated.

(2) Notwithstanding anything in sub-rule (1) if such person is a Government servant or employee in a Government undertaking he shall be entitled to travelling and daily allowance only at the rates provided under the relevant rules, applicable to him.

CHAPTER 6

TERMS AND CONDITIONS OF SERVICE OF THE MEMBER SECRETARY OF THE STATE BOARD

17. *Salaries, allowances and other conditions of service of Member Secretary under sub-section (1) of section 14.*—(1) The Member Secretary of the State Board shall be appointed by the Himachal Pradesh Government in the scale of Superintending Engineer.

(2) The other terms and conditions of service of the Member Secretary including allowances payable to him, shall be as specified by the Himachal Pradesh Government from time to time.

(3) Notwithstanding anything contained in sub-rule (2) and where a Government servant is appointed as Member-Secretary, the terms and conditions of his service shall be such as may be specified by the Himachal Pradesh Government from time to time.

CHAPTER 7

POWERS AND DUTIES OF THE MEMBER SECRETARY

18. *Powers and duties of the Member Secretary under sub-section (2) of section 14.*—The Member Secretary shall be subordinate to the Chairman and shall, subject to the control of the

Chairman, exercise the following powers, namely:—

- (1) The Member Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them.
- (2) The Member Secretary shall produce such papers whenever so directed by the Chairman or by the Board.
- (3) The Member Secretary, shall make available to any member of the Board, for his perusal, any record of the Board.
- (4) The Member Secretary shall be entitled to call for the services of any officer or employees of the State Board and files, papers and documents for study from any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Board or regional offices thereunder.
- (5) The Member Secretary may with-hold any payment:
Provided that as soon as may be and in any case not later than 3 months after such withholding of payment the matter shall be placed before the Himachal Pradesh State Board for its approval.
- (6) The Member Secretary shall make all arrangements for holding meetings of the State Board and meeting of the Committees constituted by the Himachal Pradesh State Board.
- (7) All orders or instructions to be issued by the Himachal Pradesh State Board shall be over the signature of Member Secretary or of any other officer authorised in this behalf by the Chairman.
- (8) The Himachal Pradesh State Board may create such posts as it considers necessary for the efficient performance of its functions and may abolish any post, so created:
Provided that for the creation of and appointment to the post, the maximum of the scale of which is above Rs. 2,000 per month, the Himachal Pradesh State Board shall obtain prior sanction of the Himachal Pradesh Government.
- (9) The Member Secretary shall write and maintain confidential reports of the officers and staff of the Himachal Pradesh State Board and shall get them countersigned by the Chairman. He shall also make suitable arrangements for the appropriate maintenance of the confidential reports, and the custody thereof.
- (10) The Member Secretary shall sanction the annual increments of officers and staff.
- (11) The Member Secretary shall have full powers for according technical sanction to all estimates and to accord administrative approval to estimates costing upto Rs.20,000.
- (12) The Member Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Board or by the Chairman.
- (13) The Member Secretary may undertake tours within the Pradesh and outside with the approval of the Chairman for performing the function of the Board.
- (14) Member Secretary shall authorise, sanction or pass all payments against allotments made or estimates sanctioned.

CHAPTER 8

APPOINTMENT OF CONSULTANTS

19. Appointment of Consultants under sub-section 5 of section 14.—For the purposes assisting the State Board in the performance of its functions, the Board may appoint any qualified person to be a consultant to the Board for a specific period not exceeding 4 months:

Provided that the Board may, with the prior approval of the State Government extend the period of appointment from time to time upto one year:

Provided further that if at the time of initial appointment, the State Board had reasons to believe that the services of the Consultant would be required for a period of more than four months the State Board shall not make the appointment without the prior approval of the State Government.

20. Power to terminate appointment.—Notwithstanding the appointment of the consultant for a specified period under rule 19, the State Board shall have the right to terminate the appointment of the consultant before the expiry of the specific period, if in the opinion of the Board, the consultant is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest:

Provided that the services of a consultant shall not be terminated under this rule by the State Board except after giving him a reasonable opportunity of showing cause against proposed action.

21. Emoluments of the consultants.—The State Board may pay the consultant suitable emoluments or fees depending on the nature of the work and qualifications and experience of consultant:

Provided that the State Board shall not appoint any person as consultant without the prior State Government, if the emoluments or fees payable to him exceeds Rs. 2,000 per month.

22. Tours by consultant.—The consultant may undertake tours within the State for the performance of duties entrusted to him by the Board and in respect of such tours, shall be entitled to travelling and daily allowances as admissible to officers of equivalent Grade-I Officer of the State Government. He shall, however, get the prior approval of the Chairman or Member Secretary for his tour programme.

23. Consultant not to disclose information.—The consultant shall not disclose any information either given by the State Board or obtained during the performance of the duties assigned to him, either from the State Board or otherwise, to any person other than the State Board without the written permission of the Board.

24. Duties and functions of the consultant.—The consultant shall discharge such duties and perform such functions as are assigned to him by the State Board and it will be his duty to advise the Board on all technical matters referred to him by the Board.

CHAPTER 9

THE FUNCTIONS TO BE PERFORMED BY THE BOARD

25. Functions to be performed by the State Board under clause (i) of sub-section (1) of section 17 of the Act.—The State Board will perform such functions as may be specified by the State Government in writing from time to time.

CHAPTER 10

THE MANNER IN WHICH ANY AREA OR AREAS MAY BE DECLARED AS AIR POLLUTION CONTROL AREA OR AREAS UNDER SUB-SECTION (1) OF SECTION 19

26. Air Pollution Control Area and manner of declaration of such area under sub-section (1) of section 19.—(1) The area bounded by the respective boundaries of the industries specified in Schedule appended to the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) are hereby declared as Air Pollution Control Areas under sub-section (1) of section 19 of the Act, *vide* Himachal Pradesh Government Notification No. Lok Nirman (Kha)-25-27/81, dated 21-10-1981.

(2) In addition to sub-rule (1) above, the State Government may declare any specified area as air pollution control area/areas on the recommendation of the Board after it is satisfied for the need of action to control air pollution on the basis of the status of the air quality of that area by a gazette notification.

CHAPTER 11

THE FORM OF APPLICATION FOR THE CONSENT OF THE STATE BOARD, THE FEES PAYABLE THEREFOR, THE PERIOD WITHIN WHICH SUCH APPLICATION SHALL BE MADE AND THE PARTICULARS IT MAY CONTAIN

27. Application for consent under sub-section (2) of section 21.—(1) An application for obtaining the consent of the State Board for bringing use any new or altered chimney for commission into atmosphere under section 21 or for continuing an existing emission from chimney into atmosphere under section 21 shall be made to the Board in Form I, within one month of getting approval of their scheme.

(2) Such applications should be accompanied by fees to be specified by the State Board.

(3) Any application not accompanied by the prescribed fees shall not be entertained by the State Board.

(4) The prescribed fees shall be paid by Bank Draft in favour of the Member Secretary of Himachal Pradesh State Board.

CHAPTER 12

PROCEDURE FOR MAKING ENQUIRY INTO APPLICATION FOR CONSENT

28. Procedure for making enquiry into application for consent under sub-section (3) of section 21.—(1) On receipt of an application for consent under section 21 of the Act, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, to which such application relates for the purposes of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as officer may consider necessary. Such officer may, for that purpose, inspect any place or premises where emission from the chimney or fugitive emissions from any location within the premises of the industry as also any control devices installed in the said premises. Such officer may, for that purpose, inspect any place or premises under the control of applicant or occupier, and may require the applicant to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) above give notice to the applicant of his intention to do so in Form-II. The applicant shall furnish to such officer all information and provide all facilities to conduct the inspection.

(3) An officer of the Board may, before or after carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him orally or in writing such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose summon the applicant or his authorised agent to the office of the Himachal Pradesh State Board.

CHAPTER 13

THE AUTHORITIES OR AGENCIES TO WHOM INFORMATION UNDER THE SUB-SECTION (1) OF SECTION 23 IS TO BE PROVIDED

29. Submission of information by the occupier under sub-section (1) of section 23 of the Act.—An officer in charge of industrial plant or occupier of the premises from where due to an accidental breakdown of some processes or installations or otherwise, an emission occurs or is apprehended to occur in excess of the standards laid down by the Board shall forthwith intimate the fact of such occurrence or of the apprehension of such occurrence to all or any one of the following:—

- (i) Board;
- (ii) District Collector;
- (iii) Sub-Divisional Magistrate;
- (iv) Nearest Police Authority and the nearest officer of the Local Authority including Panchayat;
- (v) Public Health Department; and
- (vi) Department of Industry.

CHAPTER 14

THE MANNER IN WHICH SAMPLES OF AIR OR EMISSION MAY BE TAKEN UNDER SUB-SECTION (1) OF SECTION 26

30. Power to take sample under sub-section (1) of section 26.—The Board or any officer empowered by it in this behalf shall have the power to take, for the purpose of analysis samples of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary or mobile under sub-section (1) of section 26. The occupier of the premises shall provide all necessary facilities for sampling of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary and mobile, as may be specified by the Himachal Pradesh State Board or any officer empowered by it in this behalf. The occupier of the premises shall provide all necessary facilities to access to the sampling places as may be specified by the Himachal Pradesh State Board or any officer empowered by it in this behalf.

(2) The procedures used for sampling air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlet, stationary or mobile (the instruments used for sampling and the methods of measuring air pollutions shall be such as may be specified by the Himachal Pradesh State Board to suit the situation.

CHAPTER 15

THE FORM OF THE NOTICE REFERRED TO IN CLAUSE (a) OF SUB-SECTION (3) OF SECTION 26

31. Form of notice under clause (a) of sub-section (3) of section 26.—A notice under clause (a) of sub-section (3) of section 26 shall be in Form-III.

CHAPTER 16

REPORT OF BOARD ANALYST

32. **Form of report of Board Analyst under sub-section (1) of section 27.**—When a sample of any air or emission has been sent for analysis to a laboratory established or recognised by the Himachal Pradesh State Board, the Board analyst appointed under sub-section (2) of section 29 shall analyse the sample and submit to the Board a report of the result of such analysis in triplicate in Form -IV.

CHAPTER 17

STATE AIR LABORATORY

33. **Function of the State Board Laboratory under sub-section (3) of section 27 and under clause (b) of sub-section (2) of section 28.**—The State Air Laboratory shall cause to be analysed any sample of air or emission received by it from any officer authorised by the Board, for the purpose, and the findings be recorded in triplicate in Form-V.

34. **Fees for report.**—The fees for each such report shall be such as may be notified by the State Government from time to time.

CHAPTER 18

THE QUALIFICATIONS REQUIRED FOR GOVERNMENT ANALYST

35. **Qualification of Government/State Board Analyst under sub-section (1) and (2) of section 29.**—The qualifications for the Government/State Board Analyst under sub-section (1) and (2) of section 29 shall be as follows:—

At least 2nd Class M. Sc. in Basic Science/Life Science/Earth Sciences with three years experience in Environmental Quality Management.

CHAPTER 19

APPEALS

36. **Memorandum of appeal under sub-section (3) of section 31.**—(1) Every appeal against an order passed by the Himachal Pradesh State Board under section 20, section 21 and section 22 of the Act, shall be filed by the aggrieved party.

(a) in the Form-VII annexed hereto.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

(3) (a) Every appeal shall:—

(i) be in writing ;

(ii) specify the name and address of the appellant and the date of the order appealed against;

- (iii) specify the date on which the order appealed against was communicated to the appellant ;
- (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal ;
- (v) state precisely the relief prayed for ; and
- (vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf.
- (b) Every appeal shall be accompanied by—
 - (i) an authenticated copy of order against which appeal is made ;
 - (ii) a copy of the application made under section 20, 21 or under section 22 as the case may be ;
 - (iii) any document relative to the appeal ; and
 - (iv) a satisfactory proof of the payment of the fee prescribed under sub-rule (3) hereunder.
- (c) A fee as prescribed by the Board shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefore shall be annexed to every appeal. No appeal which was not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.
- (d) Every Memorandum of appeal shall be submitted in quadruplicate and shall either be presented to the appellate authority by the appellant or his authorised agent in person or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such an agent.
- (e) On receipt of the memorandum of appeal, the appellate authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it as the case may be.

37. Procedure to be followed by the Appellate Authority in dealing with an disposal of the Appeal under sub-section (3) of section 31.—(1) The appellate authority shall, as soon as may be, after the memorandum of appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member Secretary in Form-VIII. While giving such intimation to the Member Secretary, a copy of the memorandum of appeal together with its enclosures shall also be sent to the Member Secretary and he shall be called upon to send to the appellate authority, all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is in sufficient to enable the appellate authority to come to a definite decision it may take additional evidence and call for such further material from the appellant or the Member Secretary, as it deems fit. Such material shall form the part of the record, but not before the party, other than that from whom such record has been received, has been given an opportunity to pursue such record, itself against anything contained therein which is detrimental to the interests of that party.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant, or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3) the appellant may, within 30 days from the dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction the appellate authority that the appellant had

not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

(5) **Order to be in writing.**—The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination the decision thereon, and the reasons for the decision.

(6) **Supply of copy of Order to the appellant and the Board.**—A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary.

CHAPTER 20

BUDGET AND ACCOUNTS OF THE BOARD

38. **Form of Budget estimates under section 34 and 36.**—The form in which and the time within which the budget and accounts may be prepared and forwarded to the State Government shall be the same as specified under the Himachal Pradesh Water (Prevention and Control of Pollution) Rules, 1977.

CHAPTER 21

ANNUAL REPORT OF THE BOARD

39. **Form of annual report under sub-section (2) of section 35.**—The annual report in respect of the year last ended giving a true and full account of the activities of the State Board during the previous financial year shall contain the particulars specified in the Schedule-II and shall be submitted to the State Government by the 15th of May each year.

CHAPTER 22

THE PARTICULARS TO BE CONTAINED IN THE REGISTER MAINTAINED UNDER SECTION 51

40. **Consent Register.**—The Himachal Pradesh State Board will maintain a register containing particulars of industrial plant to which consent has been granted under section 21 in Form VI.

APPLICATION FOR CONSENT FOR EMISSIONS UNDER SECTION 21 OF THE ACT

(See Rule 27)

Application for consent for emission in.....
sub-area which is the 'Air Pollution Control Area' notified under section 19 of the Act, under Government Gazette Notification No.....(I) of.....
(i) industry specified schedule.....
(ii) (a) Area Code No.....dated.....
(b) Grid No.....dated.....

From

To

The Member Secretary,
Himachal Pradesh State Board for Prevention and Control of Water Pollution,
Shimla-9.

Sir,

I/We hereby apply for Consent under section 21 of the A'r (Prevention and Control of Pollution) Act, 1981 to make omission from Industrial Plant occupied by.....

(2) I/We further declare that the information furnished in the Annexure/Appendices, and plants correct to the best of my/our knowledge.

(3) I/We hereby submit that in the case of a change either of the point, or the quality of omission or of its quality a fresh application for consent shall be made and until such Consent is granted, no change shall be made.

(4) I/We hereby agree to submit to the Board, an application for renewal of Consent one month in advance of the date of expiry of the consented period for omission, if to be continued thereafter.

(5) I/We undertake to furnish any other information within one month of its being called by the Board.

(6) I/We enclose a bank draft of Rs..... towards the prescribed consent application fee.

Accompaniments:—

Signature.....

Name of the Applicant,.....

Address of Applicant.....

ANNEXURE TO FORM I

Chimney

Existing
No.
Altered.

Note.—ANY APPLICANT Knowing giving incorrect information of suppressing any information pertaining thereto shall be liable to be punished under section of the Act.

While filling this Annexure the applicant not applicable with any of the items shall State 'not concerned' against the relevant one.

1. Full name of the occupier with address
 (a) Name and Telephone No. (Tel. No.).....
 of person incharge of the premises
2. Full name of the Industrial Plant with address
3. Give Revenue /City Survey No. of the District.....
 and/Premises for which the application Taluka.....Town.....
 is made, stating District, Taluka Village. Village.....
 City Survey No.....
 Revenue Survey No.....
 Area in Hectares.....

4. State month and year in which the Industrial plant was actually put into commission or is proposed to be put into commission/or the month and year from which the local body is functioning.
 - Collectorate
 - Corporation.....
 - Municipality.....
 - Village Panchayat/ Cantonment/Defence Department
 - Port Trust.....
 - State Government.....
 - Prohibited Area
 - Central Government.....
 - Airport Authority.....
 - OR specify another.....
5. State the Civil/Military Defence/Industrial Estate etc. under whose administrative jurisdiction the occupiers Industrial plant is situated.
- (2) Attach the map showing topographical features of the Area.
6. Elevation above mean sea
7. Present use of the Land
 - Agricultural
 - Forest
 - Grazing
 - Settlement
 - Fallow
 - Plains
 - Valley.....
 - Hilly.....
 - River Basin.....
 - Coastal.....
 - Esturine
 - Land Locked.....
9. (a) State whether Industrial Plant has been declared as prohibited area. Yes/No.
- (b) If yes, State the name of the authority and furnish a certified copy of the order under which the area has been declared as prohibited
10. What of the following features exit within 20 kms. of the site.
 - Human settlement specify population and distance from the plant.
 - Agricultural Land specify Crops.
 - Grazing land Fisheries Forest/ Sanctuary/National Park/ Nallas/Streams/ Rivers/Ponds/Lakes/Dams/Estuary/Sea/ Hills/Mountains/Industries specify Ancient Monuments/ Toursim area.
11. Is the industrial plan of the occupier close,1 on Sunday/Holiday Yes/No.

12. State Working season per year of the Industrial Plant.

Full Year

From	To
From	To
From	To
From	To
Every Year	

13. Materological Data

- (a) Indicate the climate conditions at the site.
(e. g. arid, semiarid etc.)
- (b) Precipitation yearly averaged range
- (c) Temperature seasonal ranges.
- (d) Average annual speed and direction of wind.
- (e) Humidity solar radiation.

14. Raw material used in T/Day or Kg/day

Name	Source	Quantity
------	--------	----------

15. Products/By products/waste material in T/day or Kg./day.

16. Complete flow chart giving description and chemical processes if any as per

ANNEXURE—I

17. Fuel consumption in T/day

	Fuel	Coal	Fuel oil	Diesel	Natural Gas	Wood	Other Specify
1. Daily Consumption in Tonnes.							
2. Calorific Calue							
3. Ash Content%							
4. Sulphur Content %							
5. Other specify.							

18. Furnaces/Cupolas

Yes	No.
-----	-----

(a) No. of furnaces/Cupplelas

(i) Installed..... (ii) In use.....

(b) Date of Installation.....

(c) Capacity

(d) Purpose used.....

(e) Stack data :

(i) Height.....

(ii) Diameter.....

(iii) Temperature.....

(iv) Flow rate.....

19. Boilers

Yes	No
-----	----

(a) No. of Boilers:—

(i) Installed..... (ii) in use.....

(b) Type.....

(c) Capacity.....

(d) Method of fuel charging :

- (i) Oil/gas burner
- (ii) Grade Charges (Manual/mechanical).....
- (iii) Pulverised coal charging
- (e) Quantity of fuel used in bilers.....
- (f) Stack data:—
 - Height.....
 - Diameter.....
 - Temperature.....
 - Flow rate.....

20. Emission Control equipment for air pollutants:—

Existing	No. of existing	Proposed
----------	-----------------	----------

1. Existing /Proposed

- (a) Nature of the Pollution Control equipment.....
- (b) Capacity.....
- (c) Efficiency.....
- (d) Details of Air Pollution Control System Proposed existing.
- (e) Give detailed specifications cyclones electrostatic, Precipitators, scrubbers, Back filters etc.
- (f) Any other monitoring facilities available so data available.

21. Atmospheric Emission stack No.....Gas quantity.....M/³
 Stack attached to.....Flue gas temp.....
 Stack height.....mts. Exist velocity of the
 flue gasM/

(a) Flue gas Emissions.

Type of Fuel	Qty. of Fuel/hr.	No. X SO2 HC Co Particular
--------------	------------------	----------------------------

(b) Process Emissions

SO2 CO2 No. +	Analysis of Vent gas in mg/m Hydrocarbons particulates,	Others specify
---------------	---	----------------

- (c) Particulates analysis
 - (i) Size distribution.....
 - (ii) Chemical composition.....

22. Solid Wastes

Yes	No
-----	----

- (a) Nature.....
- (b) Quantity.....
- (c) Mode of disposal.....

23. Any relevant information not covered in the above items.

24. Water Consumption.

(a) Quantity per month or day.....

(b) Source.....

25. Waste water generated

Yes

No

(a) Quantity per month or day.....

(b) Disposal to :

River

Nallah

Municipal sewer

Treatment of Waste water

Existing

Not existing

Proposed

Not proposed

(c) Waster Water characteristics (if available)
Before Treatment

After treatment

(i) BOD

(ii) COD

(iii) Suspended solids

(iv) Heavy metal (specify)

(v) Toxic chemicals (specify)

(vi) Others (specify)

26. (a) State the total quantity of Air handled by ventilation equipment, so also specify size and No. of equipments installed/to be installed.

(b) Location and Dimension of outlets:

(i) Fuel gas Emissions

Type of Fuel	Qty. of Fuel /hr	X % Seh %	Analysis of the HC CO	Fuel gas No. Particulate	X SO2
--------------	------------------	-----------	-----------------------	--------------------------	-------

(ii) Process Emissions

SO2

CO2

Analysis of vent gas in mg/m³
CO NO x Hydrocarbons

Particulate

Othere specify

(iii) Particulars analysis.

(a) Size distribution.

(b) Chemical composition.

27. Other relevant information, if any.

FORM II

HIMACHAL PRADESH STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

NOTICE OF INSPECTION

[See Rule 28 (2)]

Chairman
Shri

Member Secretary.....
Shri.....
No.....
Dated.....

To

.....
.....

Take notice that for the purpose of enquiry under section 21 the following officers of the State Board namely:—

- (i) Shri.....
- (ii) Shri.....
- (iii) Shri.....

and the persons authorised by the Board to assist them shall inspect.
Any systems of your industrial plant.

Any other parts thereof or pertaining thereto under management/control of date(s).....
.....Between..... Hours when all facilities requested by
them for such inspection should be made available to them on the site. Take Notice that refusal
or denial to above stated demand made under the functions of the State Board shall amount
to obstruction punishable under Section 37 (1) of the Act.

By order of the Board,

Member Secretary.

Copy to:

- 1.
- 2.
- 3.

FORM III

HIMACHAL PRADESH STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED

(See Rule 31)

Take notice that it is intended to have analysed the sample of Air emission from your
premises which is being taken today the.....day of.....19.....
from.....

Name and designation of the person who
takes the sample.

(i) Here specify the stack, chimney or any other emission outlets.

To

.....

FORM IV

REPORT BY THE STATE BOARD ANALYST

(See Rule 32)

Report No.

Dated the.....

I hereby certify that I,.....State Board analyst duly appointed under sub-section 3 of section 26 of the Air (Prevention and Control of Pollution Act, 1981, Received on the.....day of.....19 . froma sample of.....for analysis.

The sample was in a condition fit for analysis reported below :—

I further certify that I have analysed the afore mentioned sample on.....and declare the result of the analysis to be as follows:

(V)

The condition of the seals, fastening and contained on receipt was as follows:

.....

Signed this.....day of.....19.....

Address

.....

(Signature)

State Board Analyst.

To

.....

- (i) here write the full name of the State Board analyst.
- (ii) here write the date of receipt of the sample.
- (iii) here write the name of the Board or person or body of persons or officer from whom the sample was received.
- (iv) here write the date of analysis.
- (v) here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM V

REPORT BY THE GOVERNMENT ANALYST
(See Rule 33)

Report No.

Dated the

I hereby certify that I, Government analyst duly appointed under sub-section 1 of section 27 of the Air (Prevention and Control of Pollution) Act, 1981, received on the day of 19 from a sample of for analysis. The sample was in a condition fit for analysis reported below:—

I further certify that I have analysed the aforementioned sample, on (IV) and declare the result of the analysis to be as follows:—

6.

Signed this day of 19

Signature,
(Government analyst).

Address:

.....
.....

To

.....
.....

- (i) here write the full name of the Government analyst.
- (ii) here write the date of receipt of the sample.
- (iii) here write the name of the Board or person or body of persons or officer from whom the sample was received.
- (iv) here write the date of analysis.
- (v) here write details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM VI

(See Rule 40)

Under rule 40 the following shall be the form of the register to be maintained in respect of consents to be issued under section 21 of the Act.

I. GENERAL:

(a) Consent is issued to:

(b) Postal address

II. Location of plant and facilities— (Latitude and Longitude must be the nearest of 15 seconds).

If yes, indentification of air pollution control area.....

(b) Schedule identification number.

Before here mention the name and designation of the authority.....

Appellate authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 14 (of 1981.)

Memorandum of appeal of Shri..... (Appellant).

Versus

The State Board for the Prevention and Control of Water Pollution.....
(Respondent).

The appeal of Shri.....

Resident of.....

District.....

against the order..... dated..... passed by the
State Board for Prevention and Control of Water Pollution under section 21/22 of the Air Prevention and Control of Pollution Act, 1981 show as follows:

(1) under section 21/22 of the Air (Prevention and Control) of Pollution Act, 1981 (14 of 1981) the appellant has been granted consent subject to the condition mentioned in the Consent order in respect of the.....
Company/Corporation/Municipality/notified area Committee etc. noted below:—

(a) Name of Plant/Company Corporation/Municipality/Notified Area Committee.

(b) Place.....

(c) Ward No.....

(d) Name of the Street, and.....

(e) District.....

A copy of the consent order in question is attached hereto:—

(2) The facts of the case are as under:

(here briefly mention the facts of the case).

(3) The grounds on which the appellant relies for the purpose of this appeal are as below:

(here mention the grounds on which appeal is made)

1.

2.

3.

4. In the light of what is stated above, the appellant respectfully prayeth that:

(a) the unreasonable conditions(s).....imposed should be treated, as annulled or it/they should be substituted for such other condition(s) as to be reasonable.

(or)

(b) the unreasonable condition(s).....should be varied in the following manner.

(here mention the manner in which the conditions(s) objected should be revised)

An amount of Rs.....as fee for this appeal has been paid *vide* receipt No....., dated.....an authenticated copy of which is attached in proof of payment.

(Signature of the appellant

(Name in Block Letters.

Occupation.....

Address

Dated:.....

VERIFICATION

I,.....(appellant's name) in the above memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature of the appellant

(Name in Block Letters).....

Occupation.. ..

Address.. ..

Dated.....

Strike out what is not applicable.

FORM VIII

FORM OF NOTICE

[See sub-rule (1) of rule 37]

Before here mention the name and designation of the authority.....

Appellant Authority as constituted under section 31 (1) of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

In the matter of appeal No.....19
filed under section 31 of the Air (Prevention and Control of Pollution) Act, 1981.

(14 of 1981) by Shri.....

(Here mention the name and address of the appellant).....

Versus

The State Board for Prevention and Control of Water Pollution, Shimla .. Respondent.

Whereas Shri,.....
(here mention the name and address of the appellant) has filed before this authority a memorandum of appeal against the order....., dated.....
passed by the State Board for the Prevention and Control of Water Pollution under section 20/21/22 of the Act.

* Delete whatever is not applicable.

AND WHEREAS under sub-section (4) of section 31 of the Act, this authority is required to give to the parties an opportunity of being heard;

Now, therefore, please take motion that this authority has fixed.....
as the date of hearing of the aforesaid appeal. The hearing shall take place at.....
A.M./P.M., on that date in the office of the Board at Shimla. You are hereby called upon to appear before this authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure, on your part to appear on the date of hearing, either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this authority will make your appeal liable to be dismissed or decided *ex parte*.

Given under the hand and seal of the Appellate Authority at.....

This.....day of.....19..

SCHEDULE II

(See rule 39)

ANNUAL REPORT FOR THE FINANCIAL YEAR APRIL, 19 TO MARCH 19

1. Introductory.
2. Constitution of the State Board including changes therein.
3. Constitution of the Committees by State Board and meetings of the Committees constituted by it.
4. Meetings of the State Board.
5. Activities of the State Board including the various functions performed, under section 17 of the Act.
6. Prosecutions launched and convictions secured.
7. Finance and accounts of the State Board.
8. Visits to the State Board by experts, important persons etc.
9. Any other important matter dealt with by the State Board.

